

before me has been exclusively directed, has reference to the validity of alleged dispositions of his land made by him in his lifetime.

Nicholas Hardy, and Eleanor his wife, one of the daughters and heirs at law of Haines, allege in their answer, that about the year 1843 he gave to them, jointly, in fee simple, about one hundred and seventy acres of land, and put them in possession thereof, upon which they have expended large sums in improvements of various kinds, having built a dwelling house and other houses, and rendered the soil more productive by lime. That they have exercised every act of ownership over the land, with the knowledge and approbation of said Haines, who encouraged them in making expenditures thereon, and constantly and always admitted the title thereto to be in them.

They also set up an agreement in writing, signed and sealed, dated the — day of July, 1845, by which Haines bound himself to convey the land claimed to them. This agreement is as follows:—"Received of Nicholas Hardy five dollars to me in hand paid for a part of the land conveyed to me by Walter Worthington, and now laid off by John Brown, containing one hundred and seventy acres, more or less, and which I promise and oblige myself, my heirs or assigns, to convey to the said Nicholas Hardy, and Ellen his wife, the said land to them, their heirs or assigns, in fee, and of which I have given them, the said Nicholas Hardy, and Ellen his wife, possession of the same. In testimony whereof I have hereunto subscribed my hand and seal this the — day of July, 1845."

Signed,

"NATHAN HAINES.

{ SEAL. } ..

And the said Hardy and wife admit that said land was given and transferred to them as their entire interest in the whole real estate, of which said Nathan Haines died seized and possessed.

The defendant, Mordecai Haines, in like manner, in his answer, says that his said deceased father, Nathan Haines, in the year 1840, gave him the farm on which he now resides, containing about one hundred and forty-one acres, and placed him in possession thereof, upon which he has been residing ever